



Entered on Docket
November 06, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

ORDER GRANTING MOTION FOR SUBSTITUTION OF PARTY AND COUNSEL

The USACM Liquidating Trust (the “Trust”) filed a Motion for Substitution of Party and Counsel [DE 4498] (the “Motion”) on August 14, 2007. The Motion requested the substitution of the USACM Trust for USA Commercial Mortgage Company as the objecting party and the substitution of the law firm of Lewis and Roca LLP as counsel for the USACM Trust in place of USA Commercial Mortgage Company’s counsel in the Objection to Proof of Claim No. 1099 filed by Del and Ernestine Bunch [DE 2023] (the “Objection”). Appropriate notice of the Motion was given.

An informal response was mailed to the U.S. Bankruptcy Court on October 8, 2007 by Del and Ernestine Bunch (“Bunch”), arguing against the necessity of the Trust’s Motion.

The Trust filed a reply to Bunch’s response [DE 4960] on October 10, 2007.

The Motion came before the Court for hearing on October 15, 2007 at 9:30 a.m.

Good cause appearing, it is

ORDERED:

- Granting the Motion;
- Substituting the USACM Trust for USA Commercial Mortgage Company as the objecting party in the Objection; and
- Substituting the law firm of Lewis and Roca LLP as Counsel for the USACM Trust in place of USA Commercial Mortgage Company’s counsel in the Objection.

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1 PREPARED AND SUBMITTED:

2 **LEWIS AND ROCA LLP**

3
4 By: /s/ RC (#0006593)

Susan M. Freeman

5 Rob Charles

6 *Attorneys for USACM Liquidating Trust*

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8 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

9 In accordance with Local Rule 9021, the undersigned certifies:

10 ☐ The Court waived the requirements of LR 9021.

11 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
12 hearing, any unrepresented parties who appeared at the hearing, and any trustee
appointed in this case, and each has approved or disapproved the order, or failed
to respond, as indicated below:

13 ☐ approved the form of this order;

14 ☐ waived the right to review the order;

15 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or

16 ☒ failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b) (Del Bunch, Ernestine Bunch).

17 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
18 parties who appeared at the hearing regarding this matter and/or who filed a
written objection and all have either approved the form of this order, waived the
19 right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.

20 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

21
22 **LEWIS AND ROCA LLP**

23
24 By: /s/ RC (#0006593)

Susan M. Freeman

25 Rob Charles

26 *Attorneys for USACM Liquidating Trust*

1 APPROVED/DISAPPROVED

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5 Del Bunch or Ernestine Bunch

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